

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

Respondent,

v.

TRENELL MURPHY,

Petitioner.

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**Criminal No. 09-ELH-0098
Civil No. 17-cv-1836**

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**MOTION FOR EXTENSION OF TIME TO RESPOND
TO PETITIONER'S MOTION TO VACATE**

COMES NOW the United States of America, by and through undersigned counsel, and hereby seeks a 60-day extension of time to respond to the Petitioner's motion to vacate, and in support whereof states as follows:

1. On June 30, 2017, the Petitioner filed a *pro se* motion to vacate his sentence pursuant to 28 U.S.C. § 2255.¹ ECF 71. On July 6, 2017, the Court ordered the Government to respond within sixty-days. ECF 72.

2. On October 31, 2017, C. Justin Brown, Esq. entered his appearance on behalf of the Petitioner. ECF 79.

3. The parties have engaged, and continue to engage in discussions regarding the posture of this case. The parties continue to discuss a resolution in this matter. Therefore, the Government is once again seeking a 60-day extension to respond to the Petitioner's motion.

¹ This is the Petitioner's second §2255 motion. The first Motion to Vacate Under §2255 was filed on July 1, 2011. ECF 39. This Court denied the motion and denied a certificate of appealability on April 1, 2014. ECF 70. There is no record that the court of appeals has authorized the filing of a second or successive §2255 motion. *See In re Vial*, 115 F.3d 1192, 194 (4th Cir. 1997). However, the Government is not seeking a ruling on this procedural issue at this time.

4. Counsel for the Petitioner does not object.

A proposed order is attached.

Respectfully submitted,

Robert K. Hur
United States Attorney

By:_____/s/_____
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Filed ECF: December 20, 2018

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ORDER

Having read and considered the Government's motion for extension of time, and any opposition thereto, and for good cause shown, IT IS HEREBY ORDERED that:

- (1) The motion be and hereby is GRANTED;
- (2) The United States shall have until February 20, 2018, in order to file its response to the Petitioner's Motion to Vacate; and
- (3) The Clerk's Office shall transmit a copy of this Order to Petitioner and counsel for the United States.

IT IS SO ORDERED this _____ day of December, 2018

The Honorable Ellen L. Hollander
United States District Judge